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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

PAULINA MILLAN MORALES

Debtor(s)

CASE NO: 16-02279-BKT

CHAPTER: 13

MOTION IN OBJECTION TO CONFIRMATION

TO THE HONORABLE COURT:

COMES NOW MOVANT, **Banco Popular de Puerto Rico**, hereinafter referred to as “BPPR”, by and through the undersigned attorney, and very respectfully alleges and requests:

1. PAULINA MILLAN MORALES hereinafter will be referred to as “the Debtor”.
2. On May 18, 2016 BPPR filed proof of claim (“POC”) number 4. The POC includes \$196.80 of pre-petition arrears.
3. However, Debtor’s proposed amended payment plan dated 03/31/2016 makes no provision as to how the pre-petition installments due to BPPR’s will be paid. See, Docket No. 9.
4. BPPR respectfully requests from this Honorable Court to enter an order denying the confirmation of the proposed plan because it fails to provide for the payment of BPPR’s secured claim as mandated by section 1325 of the Bankruptcy Code.
5. The pertinent excerpt of Section 1325 states that:
 - (a) Except as provided in subsection (b), the court shall confirm a plan if –
 - (1) the plan complies with the provisions of this chapter and with other applicable provisions of this title;
 - (2) ...

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- (3) ...
- (4) ...
- (5) with respect to each allowed secured claim provided for by the plan –
 - (A) the holder of such claim has accepted the plan;
 - (B) (i) the plan provides that the holder of such claim retain the lien securing such claim; and
 - (ii) the value as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or
 - (iii) the debtor surrenders the property securing such claim to such holder

6. The Debtor's payment plan makes no provision as to how the pre-petition installments due to BPPR under the terms of the Note and the mortgage will be paid and as such it fails to comply with section 1325 (a) (5) above cited.

7. BPPR expressly reserves, and does not waive, its right to amend, modify or supplement the Objection and raise additional arguments at any hearing to consider the Debtor's Plan. BPPR reserves the right to supplement their objections to confirmation as further revisions and amendments to the Plan surface on any grounds that governing law permits, including but not limited to the grounds included herein.

WHEREFORE, for the reasons herein stated BPPR objects the plan and respectfully prays that its confirmation be denied with such further relief that is proper.

NOTICE TO ALL PARTIES IN INTEREST

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

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If no response is filed within the prescribed period of time the Court may enter an order granting the relief herein requested.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants including the following: **the Trustee Alejandro Oliveras Rivera, Esq.**; and **to the debtors' attorney, Roberto Figueroa Carrasquillo, Esq.** I hereby certify that I have mailed by United States Postal Service a copy of this motion to the following non CM/ECF participants: **to the Debtor** PO BOX 8295 CAGUAS, PR 00726.

In San Juan, Puerto Rico, this 23rd day of May, 2016.

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